

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:10-CV-00228-FDW-DSC**

<b>BRIDGETREE, INC. AND TWO BIT DOG, LLC,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>RED F MARKETING LLC, ET AL.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	
	)	
	)	

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**MEMORANDUM AND ORDER**

**THIS MATTER** is before the Court on the “Red F Defendants’ Motion for an Order Compelling Discovery and Issuing Sanctions” (document #101), and the parties’ associated briefs and exhibits. ( See documents ##101-1 through 101-8, 104, and 107).

This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1), and is now ripe for the Court’s consideration.

Defendants complain that Plaintiff Bridgetree has not produced sufficient documentation “reflecting projected or actual expenses, revenues, or profits of projects lost based on alleged wrongdoing of Red F Defendants” as required by the Court’s October 28, 2011 “Order.” See document #98.

In response, Plaintiff credibly represents that it has produced “all documents in its possession that it believes relate to lost business and lost business opportunities caused by the Red F Defendants,” Plaintiff’s “Memorandum in Opposition ...” at 2 (document #104), “including interrogatory answers which provide reasonable specificity about those specific customers and jobs which were lost directly as a result of Defendant’s [sic] misappropriation and sabotage of

Bridgetree's work efforts." Id. As Plaintiff points out, Defendant may question Plaintiff's witnesses in depositions regarding lost business and may also challenge Plaintiff's claims on the merits based upon any insufficiency of the evidence. For these and the other reasons stated in Plaintiff's brief, Defendant's Motion is denied.

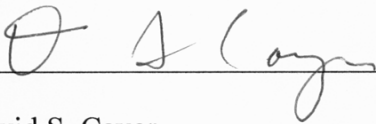
**NOW THEREFORE, IT IS ORDERED:**

1. "Red F Defendants' Motion for an Order Compelling Discovery and Issuing Sanctions" (document #101) is **DENIED**.

2. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: January 3, 2012

A handwritten signature in dark ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

